

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 1, 2009. At the time of the Final Office Action, Claims 12-29 were pending in this Application. Claims 12-29 stand rejected. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 12-13, 20-22, and 28-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,085,160 issued to Bart D'hoore et al. ("*D'hoore*") in view of U.S. Patent Application Publication No. 2003/0050779 by Soren Riis et al. ("*Riis*").

Claims 14-16 and 23 were rejected under 35 U.S.C. §103(a) over of *D'hoore* in view of *Riis*, and further in view of U.S. Patent No. 6,460,017 issued to Udo Bub et al. ("*Bub*").

Claims 17 and 24-25 were rejected under 35 U.S.C. §103(a) over of *D'hoore* in view of *Riis*, further in view of *Bub* and further in view of U.S. Patent No. 7,047,493 issued to Eric D. Brill et al. ("*Brill*").

Claims 18-19 and 26-27 were rejected under 35 U.S.C. §103(a) over of *D'hoore* in view of *Riis*, and further in view of U.S. Patent Application Publication No. 2004/0039570 filed by Steffen Harengel et al. ("*Harengel*").

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination

was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

The Proposed Combination of *D'hoore* and *Riis* is Improper.

Applicants explained in the Response to Office Action dated August 28, 2008 that *D'hoore* and *Riis* cannot be properly combined as alleged by the Examiner. However, the Examiner did not respond to this argument in the Final Office Action. Thus, Applicants restate this argument and respectfully request consideration of the argument.

To justify the combination of the references, the Examiner makes conclusory statements that it “would be obvious to one of ordinary skill in the art at the time the invention was made to generate inter- and intra-language pronunciation variations as taught by Riis et al., in *D'hoore* et al. because that would held better identify language of the inputted words, by finding the best match among pronunciations of different language.” Final Office Action, Page 4. However, Applicants note that no evidence in the cited references, or any other evidence or record supports this statement. Even if each limitation is disclosed in a combination of references, which Applicants do not concede as discussed below, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the rationale to support a conclusion that

the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention. It can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.

Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc., Federal Register / Vol. 72, No. 195, at 57529 (emphasis added).

Furthermore, the Examiner has failed to show that the proposed combination would yield reasonable expectation of success. For example, the Examiner has failed to provide how combining a text-to-phoneme method as disclosed in *Riis* would work in a speech recognition system that uses language independent acoustic models derived from speech data as disclosed in *D'hoore* would yield reasonable expectation of success.

Accordingly, Applicants respectfully submit that the proposed combination of *D'hoore* and *Riis* is improper, and therefore request withdrawal of the rejection.

D'hoore and *Riis* do not teach or suggest all limitations of Applicants' claims.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Applicants respectfully submit that *D'hoore* and *Riis* fail to teach or suggest all the limitations of independent Claims 12 and 22. For example, regarding Claim 12, the cited references each fail to teach or suggest:

(c) determining a phoneme map by mapping the generated first phoneme sequences of each of said *N* languages to a relevant phoneme set of the mother tongue;

(d) determining *N* second phoneme sequences corresponding to *N* second pronunciation variants from said phoneme map for each word;

The Examiner argues in the Response to Arguments section of the Final Office Action that:

. . . D'hoore et al. teach that "transcribe the word with rule sets from several languages and generate several phonetic transcriptions. The recognizer uses all the transcriptions in parallel, thus covering all pronunciation variants. This is particularly useful for recognizing proper names in an application that will be used by a variety of speakers" (col.8, lines 13-20). It is inherent that the first phoneme sequences of each of said *N* languages are mapped to a relevant phoneme set of the mother tongue, since all the phonetic transcriptions are used in parallel for covering all pronunciation variants for several languages, which also include mother tongue language.

(Final Office Action, page 2) (emphasis added)

Thus, the Examiner appears to acknowledge that *D'hoore* does not expressly teach mapping of first phoneme sequences of each of N languages to a relevant phoneme set of the mother tongue, but rather that alleges that *D'hoore* inherently teaches this limitation. Applicants submit that the Examiner has not met the burden for making a rejection based on inherency. According to M.P.E.P. 2112(IV):

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted)

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original)

The Examiner has not met his mandatory burden of showing that *D'hoore's* teaching of using multiple phonetic transcriptions for pronunciation variants for several languages in parallel necessarily includes mapping of first phoneme sequences of each of N languages to a relevant phoneme set of the mother tongue. In fact, Applicants submit that *D'hoore's* system could simply store the multiple phonetic transcriptions for pronunciation variants for several languages in a library or dictionary, and access each of the phonetic transcriptions in parallel, without mapping them to a phoneme set of the mother tongue. Thus, *D'hoore's* system does not necessarily include mapping of first phoneme sequences of each of N languages to a relevant phoneme set of the mother tongue, and therefore, *D'hoore* cannot inherently teach this limitation.

Accordingly, *D'hoore* does not teach the limitations of Claim 12 recited above, or similar limitations of independent Claim 22. Additionally, *Bub*, *Brill*, and/or *Harengel* each fail to teach or suggest all the elements of Claims 12 and 22.

For at least the reasons discussed above, Applicants respectfully request reconsideration and allowance of amended independent Claims 12 and 22 and all claims that depend therefrom.

Association of Customer Number and Change of Correspondence Address

Applicant respectfully requests that all papers pertaining to the above-captioned patent application be associated with Customer No. **86528**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **86528**. All telephone calls should be directed to counsel at 512.457.2030. A Revocation and Power of Attorney will be filed shortly.

CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.457.2030.

Respectfully submitted,
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Date: July 31, 2009

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